IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 6892 of 2005

Between:

T.Anantha Rao, S/o.Laxmaiah,

Aged about 49 years, Occ: Conductor,

E.No.93468, R/o.11-1-78/A, Gumkalawada,

Moosapet, Hyderabad

..... PETITIONER

AND

The Depot Manager, APSRTC,

Zaheerabad Depot, Medak District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of Writ of mandamus declaring the impugned order No.02/104(34)/90-ZHB, dated 10.01.1992 passed by the Respondent as arbitrary, illegal and contrary to law and violation of APSRTC (CCA) Regulations and also violation of Articles 14 and 21 of the Constitution of India and consequently direct the respondent to restore all consequential benefits to the petitioner and to pass such other order or orders.

Counsel for the Petitioner: MR.P.SRIDHAR RAO

Counsel for the Respondents: MR.V.T.M.PRASAD, SC FOR APSRTC

The Court at the stage of admission made the following:

ORDER:

Declaring the action of the respondent in imposing major penalty vide proceedings No.02/104(34)/90-ZHB dated 10.01.1992, as illegal and arbitrary, the present writ petition is filed.

The petitioner is working as a Conductor in the respondent Corporation. He was charged for certain cash and ticket irregularities. He submitted his explanation. The respondent passed an order on 10.01.1992 without conducting any enquiry by imposing a penalty of deferment of annual increment for a period of one year, which shall have effect on future increments of the petitioner. Hence the writ petition.

2. The grievance of the petitioner is that since it is a major punishment, it cannot be maintained unless it is imposed after holding an enquiry and giving an opportunity to the petitioner. Therefore, he approached this Court through this writ petition to declare that the action of the respondent is illegal and to direct the respondent to add the deferred increment.

3. It is well settled that denial of increments with cumulative effect tantamount to a major penalty, and such penalty cannot be imposed by the disciplinary authority without holding a regular departmental enquiry in terms of relevant service regulations.

4. Having regard to the facts and circumstances of the case, the punishment of major penalty of deferment of annual increment for a period of one year with cumulative effect, imposed by the respondent, can be reduced with slight modification. Therefore, the impugned order of punishment is modified as deferment of annual increment for a period of one year without cumulative effect. The petitioner is not entitled for the difference of the amount if any by virtue of this Order, but he is entitled to get the increment on notional calculation from the date of this Order to which he is entitled.

5. The writ petition is, accordingly, disposed of. No costs.

Dated: 31.03.2005

Dsr

Note:

Issue CC in two days

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The Depot Manager, APSRTC,

Zaheerabad Depot, Medak District

2. Two CD copies